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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

142464

Applicant(s)

Ikegami et al

Examiner

M. Gudel

Group Art Unit

2834

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 7-5-01
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1, 3-14 and 16-26 is/are pending in the application.
- ☐ Of the above claim(s) 8-13 and 21-26 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 3-7, 14 and 16-20 is/are rejected.
- ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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This action is a replacement for the previous office action (paper no 25: 6-11-01) and a result of applicants phone inquiry regarding that office action.

Applicants traversal of the 'lack of unity of invention' holding has been considered. PCT Rule 13.2 does permit, under special circumstances the inclusion at in addition to an independent claim for an product an independent claim to a process for making. This would mean a single (one) method claim. Applicants application contains 12 method claims, two of which are independent. Further, applicant has not identified any special technical feature that is part of both method and product claims. In addition, the method claims do not inherently produce the specific structural limitations found in the apparatus claims. For example, the actual method steps are merely generic. There is not step of "forming a pair of flat lead terminals having a "U" shape at one end. Thus the lack of unity of invention finding is seen as proper and is hereby repeated and made final.

Claims 1, 3-7, 14 and 16-20 are rejected under 35 U.S.C. 103 as unpatentable over Ogiso (wo95/24075) in view of Penny backer. Ogiso especially fig. 16 teaches the resonator, holder, supports, electrodes and connecting layer but uses a "V" shaped end rather than a "U" shaped end for the support elements. The difference between a U and a V is not seen as patentably significant-merely an ornamental variation. However, the U shape is well known for connection to a piezoelectric element as evidenced by Penny backer. Selection from among known lead end shapes would be within the skill expected of the routineer. Thus, it would have been obvious to one of ordinary skill in the art to provide Ogiso with U-shaped lead ends. Note that although

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Ogiso (US Pat 5,867,074) may not be prior art if the instant application and Ogiso were commonly assigned at the time of the invention. Ogiso (wo95/24075) has a publication date of 9/8/95 which clearly is prior art even if applicant provides the statement/documentation to show that Ogiso (US Pat) and the instant application were commonly assigned at the time of the invention.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Budd/nt

7/13/01

MARK J. BUDD  
PRIMARY EXAMINER  
ART UNIT 212